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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/672,185	09/26/2003	Lanny L. Johnson	Johnson 4.1-1	9836
21036	7590	04/01/2005	EXAMINER	
MCLEOD & MOYNE, P.C. 2190 COMMONS PARKWAY OKEMOS, MI 48864			BLAU, STEPHEN LUTHER	
			ART UNIT	PAPER NUMBER

3711

DATE MAILED: 04/01/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

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<b>Office Action Summary</b>	Application No. 10/672,185	Applicant(s) JOHNSON, LANNY L.	
	Examiner Stephen L. Blau	Art Unit 3711	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --  
**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☒ Responsive to communication(s) filed on 08 February 2005.  
 2a) ☒ This action is **FINAL**.                      2b) ☐ This action is non-final.  
 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 1-3,5-7,11,12,14,16-18,20,21,30 and 31 is/are pending in the application.  
     4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.  
 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.  
 6) ☒ Claim(s) 1-3,5-7,11,12,14,16-18,20 and 21 is/are rejected.  
 7) ☒ Claim(s) 30 and 31 is/are objected to.  
 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.  
 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
     Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
     Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).  
 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).  
     a) ☐ All    b) ☐ Some \*    c) ☐ None of:  
         1. ☐ Certified copies of the priority documents have been received.  
         2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.  
         3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).  
     \* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

- |  |   |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)  | 4) <input type="checkbox"/> Interview Summary (PTO-413)<br>Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)   | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152)             |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)<br>Paper No(s)/Mail Date <u>2/8/05, 9/26/03</u> . | 6) <input type="checkbox"/> Other: _____  |

## **DETAILED ACTION**

### ***Information Disclosure Statement***

1. The information disclosure statement filed 8 February 2005 is approved and all references have been cited. A signed copy of the information disclosure statement filed 26 September 2003 has been included since the examiner failed to sign the first copy sent to the applicant.

### ***Drawings***

2. The changes to the drawings have been approved.

### ***Claim Rejections - 35 USC § 112***

3. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

4. Claims 11-12, 14, 16-18 and 20-21 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention. Claims 11-12, 14, 16-18 and 20-21 depend on claims 8-9 which have been canceled.

***Claim Rejections - 35 USC § 103***

5. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

6. Claims 1-3, 5-7, 11-12, 14, 16-18, and 20-21 are rejected under 35 U.S.C. 103(a) as being unpatentable over 8-150233, Jacobson and Hettinger.

8-150233 discloses a first linear edge able to align to a ball along a horizontal plane (Fig. 3), a striking face curved with a radius of curvature less than a radius of a ball (Fig. 2b), a face able to strike a ball at, above or below a median of a ball (Fig. 4), a runner (Ref. No. 3), a shaft is mounted adjacent the first linear edge (Fig. 5), a striking face is less than about 6.4 mm thick between the sides to define the first linear edge (English Abstract), a bottom of a head provided with a convexly rounded circular protrusion as a runner (Fig. 5), and a center of gravity of a head not being vertically up or down but focused horizontally behind the hitting point ([0022], Verbal Translation). 8-1500233 does not disclose the runner being a semi-sphere but clearly an artisan skilled in the art of using a sphere shape as a runner would have selected a suitable sphere shape in which a semi-sphere shape is included.

8-150233 lacks a shaft with a grip at a proximal end, a head being metal, a runner being semi-circular, and a weight shifting the center of mass of a head down and back from a striking face of the blade.

Jacobson discloses a grip at a proximal end of a shaft (17), a head being metal (Col. 3, Lns. 3-12) and runners being semi-circular (Fig. 4). In view of the patent of Jacobson it would have been obvious to modify the putter of 8-150233 to have a grip at a proximal end in order to provide comfort to a players hands while gripping a shaft. In view of the patent of Jacobson it would have been obvious to modify the putter of 8-150233 to have a head being metal in order to maximize the amount of weight and transfer of energy at impact. In view of the patent of Jacobson it would have been obvious to modify the putter of 8-150233 to have a runner being semi-circular in cross section in the form semi spherical in order to be able to rest the head on the ground closer to the median of a golf ball.

Hettinger discloses designing a putter to have a center of gravity lower than an impact point in order to impart forward spin to a ball by utilizing gear effect (Col. 1, Lns. 28-57) making the path of a ball more predictable (Col. 1, Lns. 20-27). In view of the patent of Hettinger it would have been obvious to modify the putter head of 8-150233 to be varied vertically to lower than an impact point in order to impart forward spin to a ball by utilizing gear effect making the path of a ball more predictable.

#### ***Allowable Subject Matter***

7. Claims 30-31 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims. None of the prior art discloses or renders

as obvious a weight being a hollow right cylindrical segment in addition to the other elements of structure being claimed.

### ***Response to Arguments***

8. The argument that it is improper to use the reference of 8-150233 since it specifically discloses the center of weight horizontally behind an impact point is disagreed with. It is well known to move the center of gravity low in a putter head as taught by Hettinger to produce a gear effect and a topspin. One skilled in the art would see it obvious to move the center of gravity vertically for a head of 8-150233 for other advantages not achieved by keeping a center of weight horizontal.

9. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is filed within **TWO MONTHS** of the mailing date of this final action and the advisory action is not mailed until after the end of the **THREE-MONTH** shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of

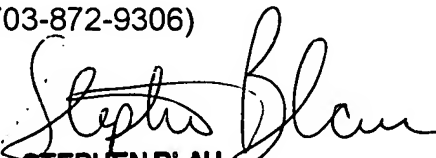
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the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

***Conclusion***

10. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Steve Blau whose telephone number is (571) 272-4406. The examiner is available Monday through Friday from 8 a.m. to 4:30 p.m.. If the examiner is unavailable you can contact his supervisor Greg Vidovich whose telephone number is (571) 272-4415. Any inquiry of a general nature or relating to the status of this application should be directed to the Group receptionist whose telephone number is (703) 308-0858. (TC 3700 Official Fax 703-872-9306)

slb/ 22 March 2005

  
**STEPHEN BLAU**  
**PRIMARY EXAMINER**